

Ser. No. 10/091,266
Customer No. 24498

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Remarks/Arguments

Claims 1, 2 and 7-14 are pending. Claims 1, 2 and 7-14 stand rejected.

Claims 1, 8 and 11 are independent claims.

Rejection of claims 1, 7-9, 11 and 14 under 35 USC 102(e) as being anticipated by Higgins et al. (US Pat No 6,587,480, hereinafter Higgins)

To anticipate a claim, a reference must teach each and every feature. It is respectfully submitted that, for at least the following reasons, Higgins falls to teach all the claimed features and the 102(e) rejection should be withdrawn and the claims allowed.

Applicant's claim 1 includes: "causing the client device to specify a starting point, within said file, from which the transfer is to be carried out" (emphasis added).

On page 3 of the Office Action it is argued that Higgins teaches the claimed features at step 340 of figure 3. This same allegation is repeated in the "Response to Arguments" section on page 9 and 10 of the Office Action. This is contrary to the Examiner's prior acknowledgements. It is noted that in the Office Action dated October 4, 2006, the Examiner wrote (last paragraph of page 3): *"However, Higgins didn't disclose: causing the client device to specifying a starting point, within said file, and from which the transfer is to be carried out."*

A close examination of step 340 and its associated description clearly shows that the step is totally unrelated to the above-cited feature of claim 1. For example, Higgins at col. 15, lines 2-14 describes step 340 of Figure 3. It is clearly described that step 340 provides that if a remote client responds with capabilities that are of interest to the controlling client, the controlling client requests an isochronous information path or a "circuit connection" be opened to the remote client. The

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remote client responds to the request by accepting an isochronous circuit connection. The remote client (now controlled client) then exports the capability, in this case the capability to play a variety of video-formatted files on the isochronous streams.

The description in Higgins of step 340, figure 3 has nothing to do with the claimed features. In other words, nowhere does Higgins disclose or even suggest causing the client device to specify a starting point, within said file, from which the transfer is to be carried out. At step 340 Higgins only suggests opening a circuit connection and at step 370 exporting the capability to play a variety of video-formatted files on the isochronous streams. There is no mention or hint of specifying a starting point, within a file, from which the transfer is to be carried out.

Step 340, Fig. 3 of Higgins does not mention or even suggest a file, or a starting point within a file, in the context of this "circuit connection." One skilled in the art would recognize a file, for example as described in Wikipedia (<http://www.wikipedia.org>), as *"A computer file is a block of arbitrary information, or resource for storing information, that is available to a computer program and is usually based on some kind of durable storage. A file is durable in the sense that it remains available for programs to use after the current program has finished."* One skilled in the art would not consider the above-mentioned portions of Higgins as anticipating applicant's claimed features.

In summary, Step 340, Fig. 3 of Higgins does not teach any starting point within a file and does not suggest *"causing the client device to specifying a starting point, within said file, and from which the transfer is to be carried out"*. A series of steps to establish a connection for transferring files is entirely distinguishable from the feature of specifying a starting point in a file.

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Independent claims 8 and 11 include at least, either of, the client device specifying the starting point (claim 8) or the request specifying the starting point (claim 11). Thus, applicants essentially repeat the above arguments from claim 1 pointing out why claims 8 and 11 cannot be anticipated by Higgins.

Applicants' dependent claim 7 recites: "said starting point is specified in the request for opening the connection." The Office Action points to step 350 of figure 3, which describes accepting the connection. Accepting a connection, as described in Higgins, does not even relate to applicants' claimed starting point, within a file, being specified in a request for opening a connection. Accepting the request relates to the remote device and doesn't suggest anything about the request, other than a request was made.

For at least the foregoing reasons, it is respectfully requested the rejection be withdrawn because Higgins fails to teach or suggest all the features of claim 7.

Dependent claims 9 and 14 also include at least the distinguishing features of the respective base claim, plus the additional features recited in claims 9 and 14. Thus, their rejection should likewise be withdrawn.

Rejection of claims 2, 10, 12 and 13 under 35 USC 103(a) as being unpatentable over Higgins in view of Zondag (US Pat No 6,389,466)

It is admitted in the Office Action that Higgins fails to teach or suggest the features recited in each of the dependent claims 2, 10, 12 and 13. Zondag is only cited for showing the features of the dependent claims.

Even assuming arguendo that Zondag teaches the alleged features, Zondag fails to cure the deficiencies of Higgins with regard to the features of the respective base claims from which these claims depend. Because Zondag fails to teach the

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lacking elements of Higgins, the combination of Higgins and Zondag likewise fails to teach or suggest all the claimed features as required by the MPEP to support an obviousness rejection.

Accordingly, without conceding any statements or waiving any arguments concerning these dependent claims, each claim is allowable by virtue of its dependency, as well as the additional subject matter recited therein.


Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks, this application stands in condition for allowance.

Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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